

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE * ZONING COMMISSIONER
NE/S Morgan Mill Rd., approx. *
1000' NW of Manor Road * OF BALTIMORE COUNTY
12000 Manor Road *
Election District * Case No. 93-348-SPHXA
6th Councilmanic District *
Legal Owner: William J. Smith *
Contract Purchaser: Southwest *
Bell Mobile Systems, Inc. *
Petitioner *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, Petition for Special Exception and Petition for Zoning Variance for the subject property located at 12000 Manor Road near Glen Arm. The Petitions are filed by the long term Lessee of a portion of the property, namely, Southwest Bell Mobile Systems, Inc., t/a Cellular One. When originally filed, the Petition was also signed by the then owner of the property, William J. Smith. However, testimony and evidence presented at the hearing was that the property is now owned by Mr. Smith's son, Richard Smith, as Trustee.

As to the Petition for Special Exception, the Petitioner seeks approval to construct a wireless transmitting and receiving facility on site, pursuant to Section 502.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). As to the Petition for Special Hearing, approval is sought for use of the special exception area of the property not utilized by the transmitting and receiving facility improvements for actual agricultural purposes. Lastly, the Petitioner seeks a series of variances. The variances are filed in alternate form. That is, two options are proposed for the placement of the subject wireless transmitting and receiving facility. If the preferred option, known as Alternate "A", is accepted, certain variances from Sections

1A03.B.4.2 and 502.7.C.2 are requested. However, if Alternate "B" is approved, only variances from Section 502.7.C.2 are necessary and those from Section 1A03.B.4.2 are not needed.

Appearing at the requisite public hearing held for this case was Jeffrey Owens, on behalf of the Lessee/Petitioner, Southwest Bell Mobile Systems, Inc. Richard W. Smith, owner of the property as Trustee, was also present. Also appearing and participating at the hearing was Michael T. McGuire and George E. Gavrellis both from Daft, McCune and Walker, the engineers who prepared the site plan. Also appearing was Ed L. Howell, an expert in the construction and use of wireless transmitting/receiving facilities. The Petitioner was represented by G. Scott Barhight, Esquire. Although no Protestants appeared, Jerry Smith, the son/brother of the property owners, participated in the hearing as an interested person.

Proffered testimony and evidence presented was that the subject site is a substantially sized parcel (154.337 acres) and is zoned R.C.4. Presently, the tract is used as a working farm. As noted above, the property was originally owned by William J. Smith, but is now held by his son, Richard W. Smith, as Trustee. The site is presently improved with a two frame house, a tenant house and several out buildings related to the farm use of the property.

Mr. Barhight proffered that his client, Southwest Bell Mobile Systems, Inc., engages in the business of sales, service and communication through wireless and automobile telephones. The cellular communication offered by the Petitioner has become widely popular in recent years and the mobile, telephone technology has gained wide acceptance and use. As is well known, this system employs a network of cells, in the center of which are located transmission/receiving antenna. This cellular system allows the consumer to

utilize a mobile phone network. Moreover, in order for the cell system to be effective, Cellular One must strategically place its antenna at regular intervals throughout the service network area. In this respect, Mr. Barhight proffered that his client had undertaken an extensive study and concluded that an antenna was necessary near the Glen Arm area. The network of the Cellular One system is clearly demonstrated on computer produced documents offered as Petitioner's Exhibits Nos. 5A and 5B. Further, Mr. Barhight proffered that his client had investigated a number of sites near the subject property. This investigation was undertaken to comply with Section 502.7.C. of the B.C.Z.R. which requires placement of the wireless antennas on commercially zoned properties, if practical. The testimony and evidence presented, however, was that the subject site was the only alternative acceptable. Specifically, other locations tested were inappropriate and were found not to be suitable. Thus, the Petitioner comes before me under the Petition for Special Exception seeking permission to construct the wireless facility at the proposed location.

It is to be noted that the proposed improvements will occupy but a small portion of the entire tract. The B.C.Z.R. requires that the minimum size area for this special exception use is 5 acres. Thus, the Petitioner has carved out a 5 acre parcel from the tract on which the proposed facility will be located. However, the proffered testimony and evidence presented was that the property actually disturbed by the construction and maintenance of the proposed facility is smaller than 5 acres. Specifically, a report was submitted showing that approximately 2500 sq. ft. of the site will be cleared to accommodate the monopole and building. Thus, within the Petition for Special Hearing, the Petitioner seeks permission to continue to use the

balance of the 5 acre tract not utilized by the facility for agricultural purposes.

As noted above, a wireless transmitting and receiving facility is permitted on the subject site by special exception. A special exception use has been identified by the appellate courts of this State as a use which is presumptively valid, absent of showing that the proposed use will cause unique detriment to the health, safety or general welfare of the surrounding community. Further, the Petitioner must produce persuasive evidence that the standards enunciated in Sections 502.1 and 502.7 of the B.C.Z.R. are satisfied in order for the subject facility to be approved. Based on the uncontradicted evidence and testimony presented, I am persuaded that the Petitioner has met his burden. There is no evidence that the proposed use will, in any manner, adversely affect the health, safety or general welfare of the locale. Clearly, the area of the subject farm which is to be utilized by this operation will be minimal. Further, the height of the pole is reasonable (150 ft.) and will not visually dominate the surrounding landscape. Further, there will be minimal traffic produced by the proposed use. Indeed, once constructed, the pole and necessary outbuilding will be visited by the Petitioner's personnel only for maintenance purposes. Lastly, it is noted that the pole will not be lighted and will be painted so as to blend, as greatly as possible, with the surrounding locale. For all of these reasons, I am persuaded that the Petition for Special Exception should be granted.

For similar reasons, I will also approve the Petition for Special Hearing. Although the B.C.Z.R. requires a minimum 5 acre tract for the proposed facility, continued use of the balance of the tract for agricultural purposes is both warranted and preferred. Clearly, this is an agricultural commu-

nity and protection of the farming lands in the County is to be encouraged. There will be no detrimental effect on the surrounding community if the agricultural use of this property is preserved to the greatest extent possible. For these reasons, the Petition for Special Hearing will also be approved.

As to the Petition for Variance, I am persuaded that Alternate "A" is preferable. Although more variances will be needed if this option is adopted, the uncontradicted testimony and evidence presented was that Alternate "A" will cause less disturbance to the existing farm than Alternate "B". That is, Alternate "B" requires placement of the antenna and required maintenance building farther away from Morgan Mill Road and deeper into the interior of the tract. Therefore, more farm land will be lost to support the necessary road system to the building and facility. In my view, these considerations justify the approval of Alternate "A" in this case. Therefore, all of the necessary variances will be granted so as to permit Alternate "A" to be implemented. Further, it should be noted that the Petitioner produced substantial and uncontradicted testimony that a granting of the variances are justified based upon the parameters and standards enunciated in Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 2nd day of June, 1993, that, pursuant to the Petition for Special Exception, approval to construct a wireless transmitting and receiving facility on site, pursuant to Section 502.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, permission for use of the special exception area of the property not covered by the transmitting and receiving facility improvements for actual agricultural purposes, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances from Sections 1A03.B.4.2 and 502.7.C.2, as more fully set forth on the Petition which is attached hereto and made a part hereof, in conjunction with Alternate "A", in lieu of Alternate "B", be and is hereby GRANTED, subject, however to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 1, 1993

G. Scott Barhight, Esquire
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 93-348-SPHXA
Petitions for Special Hearing, Special Exception and Variances
Legal Owner: William J. Smith
Southwest Bell Mobile Systems, Inc., Contract Purchaser/Lessee

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Variances have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

cc: Mr. Richard W. Smith
Mr. Jeffrey Owens
Mr. Jerry Smith



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 12000 Manor Road

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The use of that portion of the special exception area not covered by actual transmitting and receiving facility improvements for actual agricultural purposes.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner:
Southwest Bell Mobile Systems,
Inc., t/a Cellular One
12000 Manor Road
Greenbelt, Maryland 20770

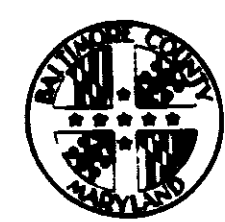
Legal Owner:
William J. Smith
12000 Manor Road
Greenbelt, Maryland 20770

Attorney for Petitioner:
G. Scott Barhight
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
832-2050

Attorney for Petitioner:
Glen Arm, Maryland 21057
City, Address and phone number of legal owner, contracted purchaser or representative
G. Scott Barhight
Whiteford, Taylor & Preston
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
832-2050

RECEIVED LENGTH OF HEARING
On following date: _____
RECEIVED BY: _____

No REVIEW
4/8/93 WCR



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 12000 Manor Road
which is presently zoned RC4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

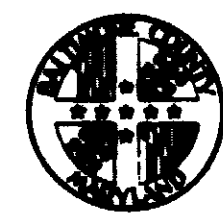
A wireless transmitting and receiving facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract/Purchaser/Lessee:
Southwest Bell Mobile Systems, Inc.
c/o Cellular One
7855 Walker Drive
Greenbelt, Maryland 20770

Legal Owner:
G. Scott Barhight
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

No REVIEW
4/8/93 WCR



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12000 Manor Road
which is presently zoned RC4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The unique configuration of the property, and the existing uses of the property create practical difficulties and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract/Purchaser/Lessee:
Southwest Bell Mobile Systems, Inc.
c/o Cellular One
7855 Walker Drive
Greenbelt, Maryland 20770

Legal Owner:
G. Scott Barhight
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

No REVIEW
4/8/93 WCR

Requested Variance(s):

Alternate "A":

- Variance from B.C.Z.R. § 1A03.B.4.2 (as in Bill No. 113-92) to permit a wireless transmitting and receiving tower within 45 feet of the centerline of Morgan Mill Road in lieu of the required 100 feet.
- Variance from B.C.Z.R. § 1A03.B.4.2 (as in Bill No. 113-92) to permit a nonresidential principal building within 65 feet of the centerline of Morgan Mill Road in lieu of the required 100 feet.
- Variance from B.C.Z.R. § 502.7.C.2 to permit a 150 high transmitting and receiving tower within 45 feet of the nearest special exception line to the south in lieu of the required 300 feet.
- Variance from B.C.Z.R. § 502.7.C.2 to permit a 150 high transmitting and receiving tower within 230 feet of the nearest special exception line to the east in lieu of the required 300 feet.
- Variance from B.C.Z.R. § 502.7.C.2 to permit a 150 high transmitting and receiving tower within 230 feet of the nearest special exception line to west in lieu of the required 300 feet.

Alternate "B":

- Variance from B.C.Z.R. § 502.7.C.2 to permit a 150 high transmitting and receiving tower within 107 feet of the nearest special exception line to the north in lieu of the required 300 feet.
- Variance from B.C.Z.R. § 502.7.C.2 to permit a 150 high transmitting and receiving tower within 230 feet of the nearest special exception line to the east in lieu of the required 300 feet.
- Variance from B.C.Z.R. § 502.7.C.2 to permit a 150 high transmitting and receiving tower within 230 feet of the nearest special exception line to the west in lieu of the required 300 feet.

Alternate Site "A" 93-348-SPHXA

Description to Accompany Petition for Special Exception, Special Hearing and Variances

5,000 Acre Parcel, William J. Smith Property

Northeast Side of Morgan Mill Road

Northwest of Manor Road

Eleventh Election District, Baltimore County, Maryland



Dick M. Case, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same in the bed of Morgan Mill Road at a point distant 944 feet, more or less, as measured northwesterly along the centerline of said road from its intersection with the centerline of Manor Road, thence running in the bed of Morgan Mill Road and referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District the following two courses, viz: (1) North 51 degrees 45 minutes 24 seconds West 305.59 feet, and thence (2) North 43 degrees 56 minutes 30 seconds West 166.76 feet, thence leaving the said centerline and running the three following courses, viz: (3) North 36 degrees 40 minutes 00 seconds East 438.22 feet, thence (4) South 53 degrees 20 minutes 00 seconds East 470.00 feet, and thence (5) South 36 degrees 40 minutes 00 seconds West 473.84 feet to the point of beginning; containing 5,000 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 19, 1993

Project No. 93004 (L93004)

Page 1 of 1



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-348-SPHXA

Towson, Maryland

District: 114 Date of Posting: 4/8/93

Posted for: Special Exception & Hearing & Variances

Petitioner: William J. Smith, Southwest Bell Mobile Systems, Inc.

Location of property: 12000 Manor Road, NE Side Morgan Mill Rd, NW Side Manor Rd

Location of Sign: 12000 Manor Road, NW Side Manor Rd

Remarks:

Posted by: [Signature] Date of return: 4/12/93

Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/22/93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/22/93

THE JEFFERSONIAN,

S. Zafe Orlov
Publisher

receipt

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number: 93-348-SPHXA
ITEM #359 (WCR)

Date: 4/6/93

#020 - VARIANCE \$250.00
#040 - SPECIAL HEARING \$250.00
#050 - SPECIAL EXCEPTION \$300.00
#070 - MAXIMUM FEE \$650.00

SIGN FEES PAID BY SEP. RECEIPT

Legal Owner: William J. Smith
Contract Purchaser: Southwest Bell Mobile Systems, Inc.
Cellular One

Location: 12000 Manor Road

Cashier Validation

Please Make Checks Payable To: Baltimore County

receipt

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number: 93-348-SPHXA
ITEM #359 (WCR)

Date: 4/6/93

#080 - POSTING OF SIGNS
3 SIGNS (\$55 per sign) \$165.00

HEARING FEES PAID BY SEP. RECEIPT

Legal Owner: William J. Smith
Contract Purchaser: Southwest Bell Mobile Systems, Inc.
Cellular One

Location: 12000 Manor Road

Cashier Validation

Please Make Checks Payable To: Baltimore County

359

Alternate Site "B" 93-348-SPHXA

Description to Accompany Petition for Special Exception, Special Hearing and Variances

5,000 Acre Parcel, William J. Smith Property

Northeast Side of Morgan Mill Road

Northwest of Manor Road

Eleventh Election District, Baltimore County, Maryland



Dick M. Case, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

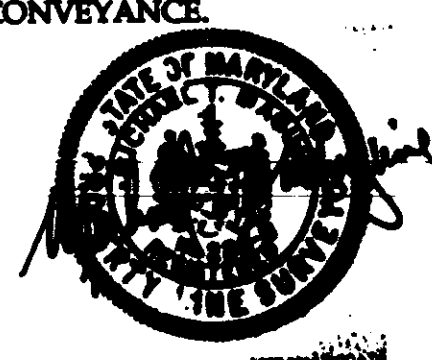
Beginning for the same in the bed of Morgan Mill Road at a point distant 1084 feet, more or less, as measured northwesterly along the centerline of said road from its intersection with the centerline of Manor Road, thence running in the bed of Morgan Mill Road and referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District the following two courses, viz: (1) North 51 degrees 45 minutes 24 seconds West 165.37 feet, and thence (2) North 43 degrees 56 minutes 30 seconds West 308.83 feet, thence leaving the said centerline and running the three following courses, viz: (3) North 36 degrees 40 minutes 00 seconds East 428.54 feet, thence (4) South 53 degrees 20 minutes 00 seconds East 470.00 feet, and thence (5) South 36 degrees 40 minutes 00 seconds West 483.49 feet to the point of beginning; containing 5,000 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 19, 1993

Project No. 93004 (L93004.1)

Page 1 of 1



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

93-348-SPHXA

(410) 887-3355

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: Item No.: 359

Petitioner: William J. Smith

LOCATION: 12000 Manor Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME:

ADDRESS:

PHONE NUMBER:

AJ:ggg

(Revised 3/29/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 16, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-348-SPHXA (Item 359)
1200 Manor Road
W/S Morgan Hill Road, approximately 1000' W of Manor Road
11th Election District - 6th Councilmanic
Legal Owner(s): William J. Smith
Contract Purchaser(s): Southwest Bell Mobile Systems, Inc., t/a Cellular One
HEARING: TUESDAY, MAY 25, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility. Special Hearing to approve the use of that portion of the special exception area not covered by actual transmitting and receiving facility improvements for actual agricultural purposes. Variance for Alternate "M" to permit a wireless transmitting and receiving tower within 45 feet of the centerline of Morgan Hill Road in lieu of the required 100 feet; to permit a non-residential principal building within 65 feet of the centerline of Morgan Hill Road in lieu of the required 100 feet; to permit a 150 high transmitting and receiving tower within 45 feet of the nearest special exception line to the east in lieu of the required 300 feet. Variance to Alternative "M" to permit a 150 high transmitting and receiving tower within 107 feet of the nearest special exception line to the north in lieu of the required 300 feet; to permit a 150 high transmitting and receiving tower within 230 feet of the nearest special exception line to the east in lieu of the required 300 feet; and to permit a 150 high transmitting and receiving tower within 230 feet of the nearest special exception line to the west in lieu of the required 300 feet.

Carl Jablon

Arnold Jablon, Director

cc: William J. Smith
Southwest Bell Mobile Systems, Inc.
G. Scott Barhight, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 20, 1993

G. Scott Barhight
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 93-348-SPHXA, Item No. 359
Petitioner: William J. Smith, et al
Petition for Special Hearing, Special
Exception and Variance

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-15-93

HELEN KEARNEY
Ms. John Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 93-348 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 4, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 359, 360, 367, 368, 370, 381 and 382.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Carol Kenna*

PK/JL:lw

360.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

May 11, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #359
Smith, William J.; 12000 Manor Road
Zoning Advisory Committee Meeting of April 19, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
2. Development of the property must comply with the Forest Conservation Act. Contact the Department of Environmental Protection and Resource Management at 887-3980 for details.

JLP:jbm

SMITHJ/TXTRMP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: April 16, 1993

FROM: Jerry L. Pfeiffer, Captain
Fire Department

SUBJECT: Zoning Petitions

#352B	No comments
#353	No comments
#354	No comments
#355	No comments
#356	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.
#357	No comments
#358	No comments
#359	No comments
#360	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

JLP:dal

cc: File

111 West Chesapeake Avenue
Towson, MD 21204

April 26, 1993

(410) 887-3353

G. Scott Barhight, Esquire
Whiteford, Taylor, Preston
210 West Pennsylvania Avenue
500 Court Towers
Towson, MD 21204-4515

RE: Preliminary Petition Review (Item #359)
Legal Owner: William J. Smith
Contract Purchaser/Lessee: Southwest
Bell Mobile Systems, Inc.; t/a Cellular
One
12000 Manor Road
11th Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Tax records indicate Richard W. Smith is trustee for the property. Please submit papers that show William J. Smith has the authority to sign for this property.
2. Plat is not showing Parcel 436, which appears to be an undersized lot.

G. Scott Barhight, Esquire
April 26, 1993
Page 2

3. Councilmanic district needs to be placed on the plat.
4. Section number on both plat and petition should read "1A03.4.B.2".

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Catherine A. Milton
By: Catherine A. Milton
Planner I

CAM:scj

cc: Zoning Commissioner

Enclosure: Receipt

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON
500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
FAX 410-832-1015
April 14, 1993

DELIVERY BY HAND
Arnold Jablon, Esquire
Director, Office of Zoning Administration
and Development Management
County Office Building
Towson, Maryland 21204
Re: Petitions for Special Exception, Special Hearing
and Variances
Property: 12000 Manor Road
Petitioner: Cellular One
Legal Owner: William J. Smith

Dear Mr. Jablon:
Enclosed is a check made payable to Baltimore County,
Maryland in the amount of \$105.00 as the posting fee for the
above-referenced case. If I can be of any additional assistance,
please feel free to contact me. Thank you for your kind
attention to this matter.
Sincerely,
G. Scott Barhight

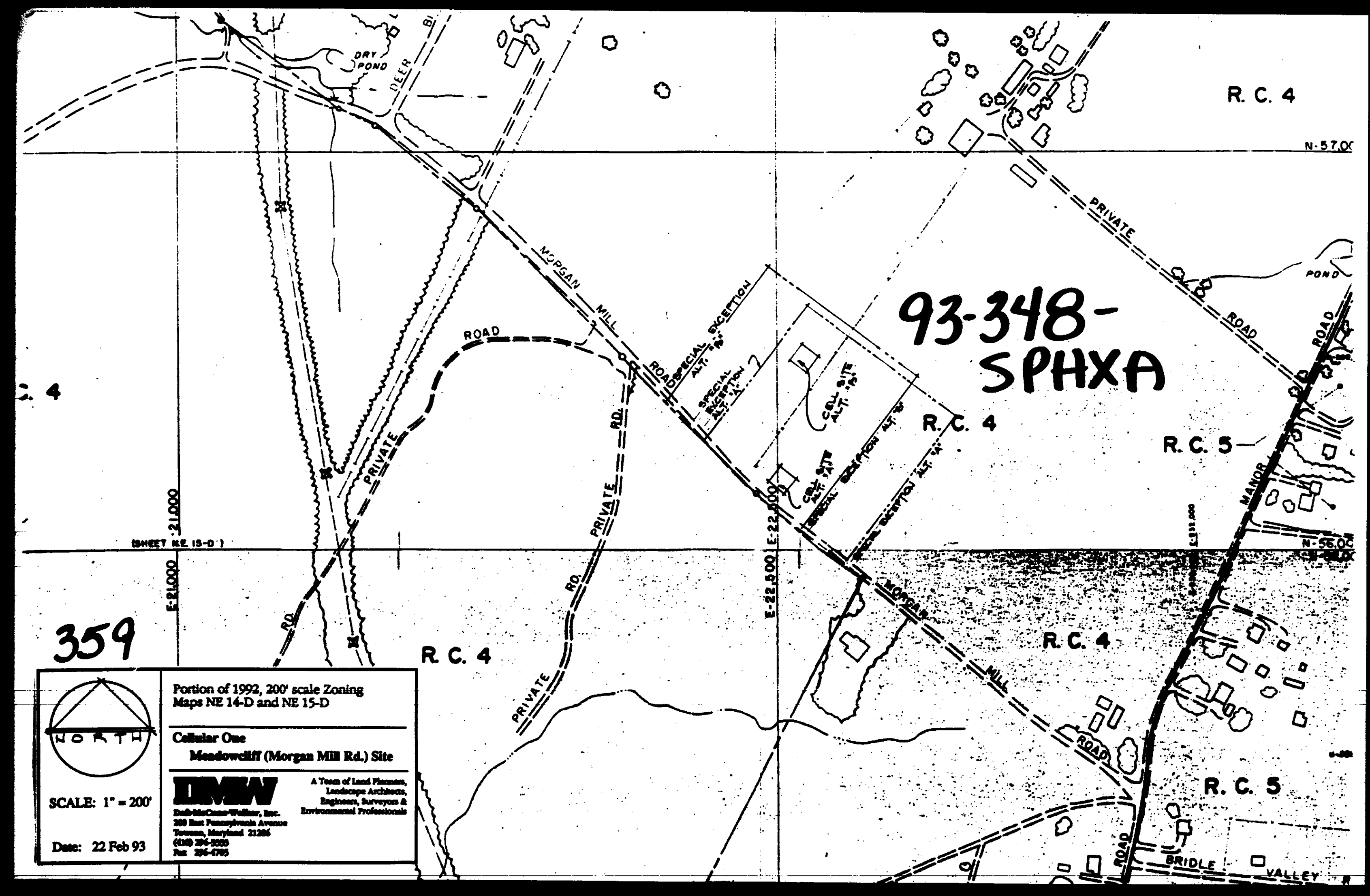
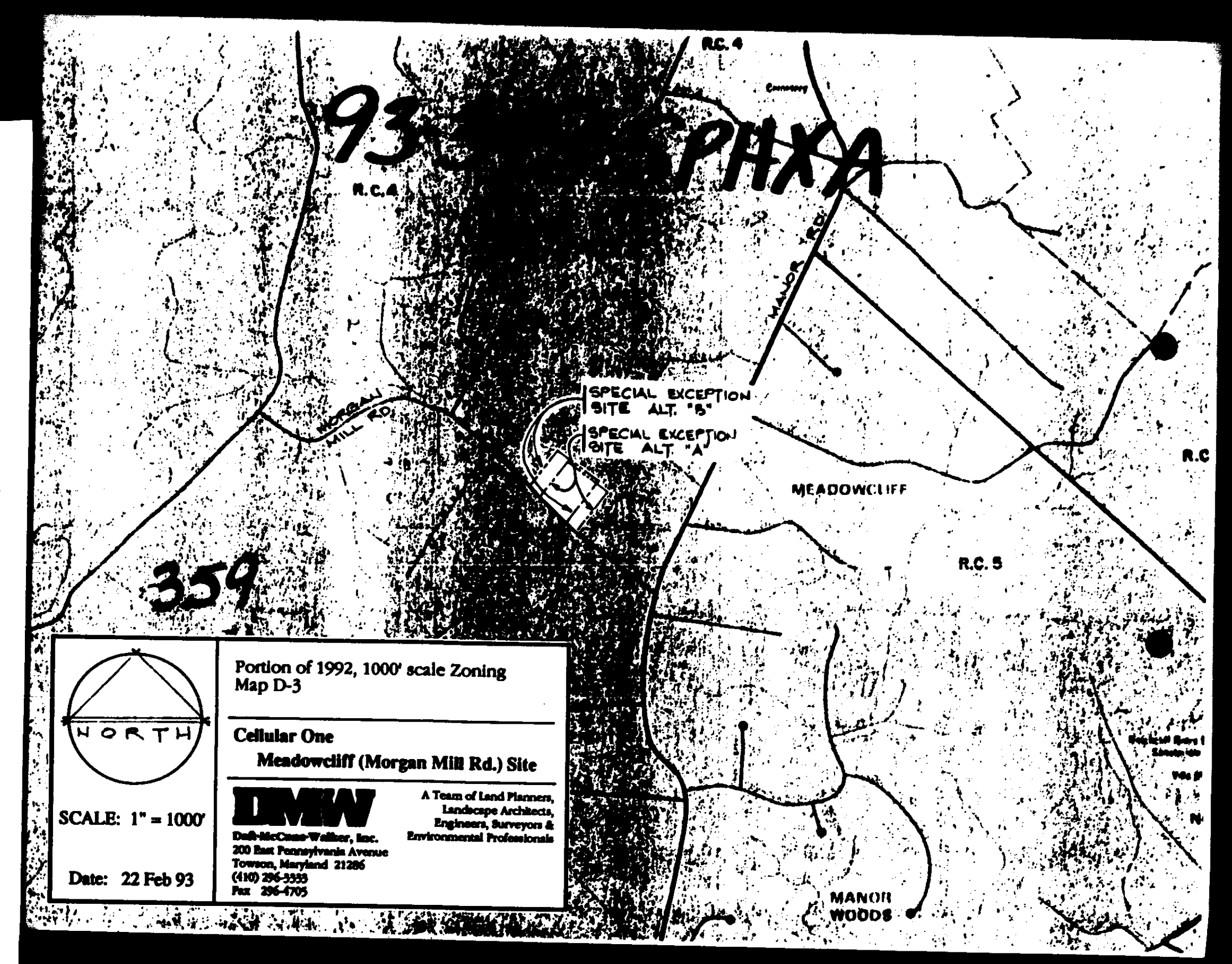
GSB/slr
Enclosure
cc: Mr. Jeffery Owens
RECEIVED
APR 14 1993
ZADM

PLEASE PRINT CLEARLY
BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET
NAME ADDRESS
Karin Brown OF2 / P-9-

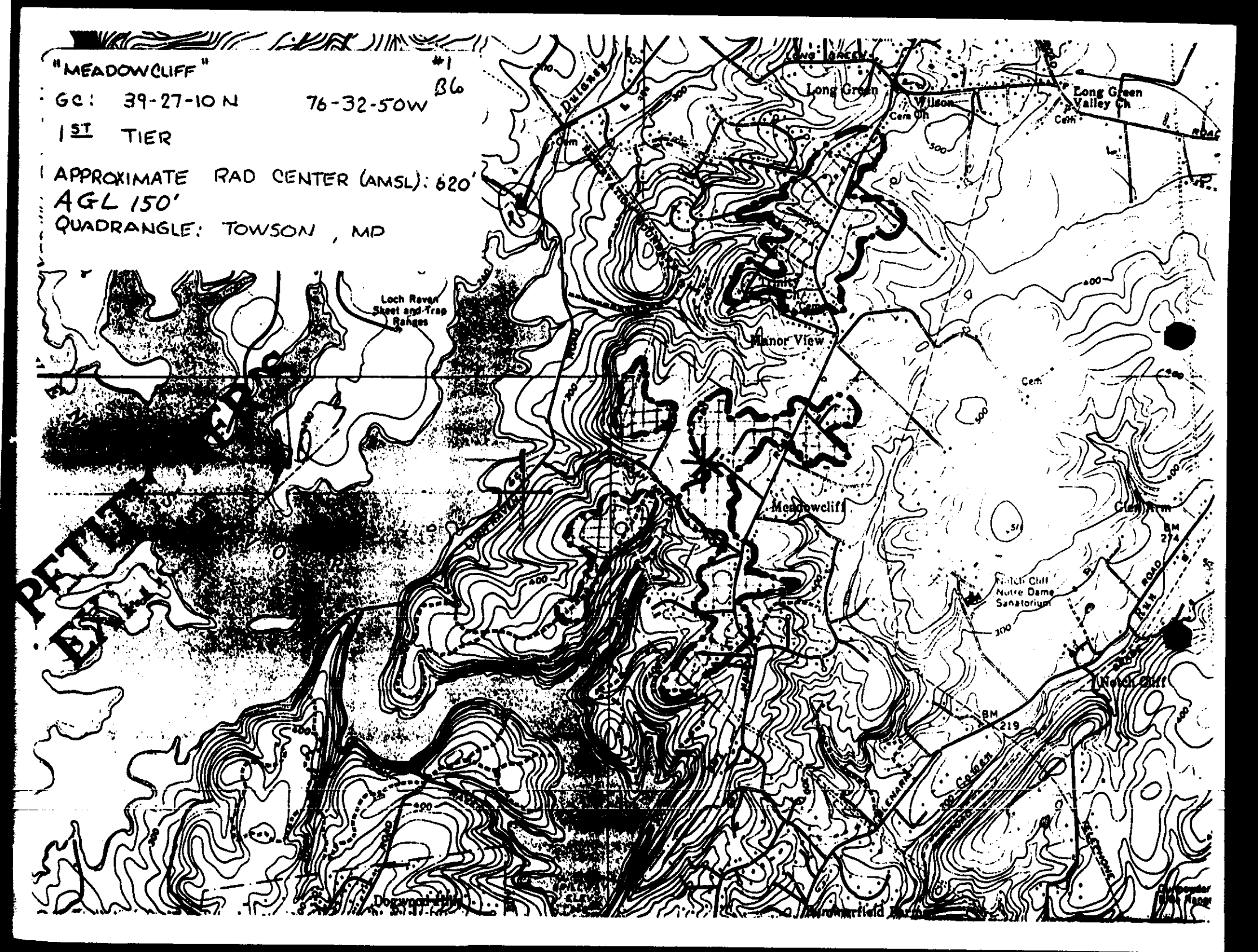
PLEASE PRINT CLEARLY
PETITIONER(S) SIGN-IN SHEET
NAME ADDRESS
Michael J. Maguire 12000 Manor Road Glen Arm, Md
George E. Givens 7855 Walker Dr Glen Arm, Md
12000 Manor Road Glen Arm, Md
7855 Walker Dr Glen Arm, Md
9104 North Ave Glen Arm, Md
200 E. PENNSYLVANIA AVE TOWSON, MD

PLEASE PRINT CLEARLY
CITIZEN SIGN-IN SHEET
NAME ADDRESS
Jerry Smith 13116 Manor Rd
Glen Arm MD 21057
NOV 04 '92 13:51 WPTT P.22

PETITION
WE, the undersigned, as residents of Baltimore County,
Maryland at the addresses indicated below, support the erection
of a 150 foot monopole, cellular communications tower and a 12 by
28 foot unmanned communications support building for the purpose
of providing cellular communications to our community, located on
a 155.43 acre parcel of property owned by William J. and Agatha
L. Smith, Edlow Farm, 12116 Manor Road, Glen Arm, Maryland 21057,
Tax Map #53, Block #20, Parcel #226, Account Identification #11-
19-052025. We, the undersigned, understand that the proposed
communications tower will have no effect on television or radio
signals.
Signature Address
Betty G. Prasser 4407 MEADOWCLIFF RD
BETTY G. PRASSER GLEN ARM, MD 21057
Paul Miller 12270 MANOR RD
Paul MILLER Glen Arm, MD 21057
(name - please print) (name - please print)
(name - please print) (name - please print)
(name - please print) (name - please print)
(name - please print) (name - please print)



PETITIONER'S
EXHIBIT No 1
P.22
NOV 04 '92 13:51 WPTT
WE, the undersigned, as residents of Baltimore County,
Maryland at the addresses indicated below, support the erection
of a 150 foot monopole, cellular communications tower and a 12 by
28 foot unmanned communications support building for the purpose
of providing cellular communications to our community, located on
a 155.43 acre parcel of property owned by William J. and Agatha
L. Smith, Edlow Farm, 12116 Manor Road, Glen Arm, Maryland 21057,
Tax Map #53, Block #20, Parcel #226, Account Identification #11-
19-052025. We, the undersigned, understand that the proposed
communications tower will have no effect on television or radio
signals.
Signature Address
Alice M. Smith 11823 Manor Rd
Alice M. SMITH Glen Arm, Md. 21057
Linda E. Minizer 11824 Manor Rd
Linda E. MINIZER Glen Arm, Md 21057
Blanche Winkler 11818 Manor Rd
Blanche WINKLER Glen Arm, Md 21057
Edwin Carlson 11816 Manor Rd
Edwin CARLSON Glen Arm, Md 21057
Theresa Lee Dean 11823 Manor Rd
Theresa Lee DEAN Glen Arm, Md 21057
Theresa Lee Dean 117 TAFE FALLS CT
Theresa Lee DEAN Glen Arm, Md 21057
(name - please print) (name - please print)
(name - please print) (name - please print)
(name - please print) (name - please print)
(name - please print) (name - please print)
(name - please print) (name - please print)



**PETITIONER'S
EXHIBIT** No 7

ENVIRONMENTAL IMPACT STATEMENT

FOR CASE NO. 93-348-SPHXA

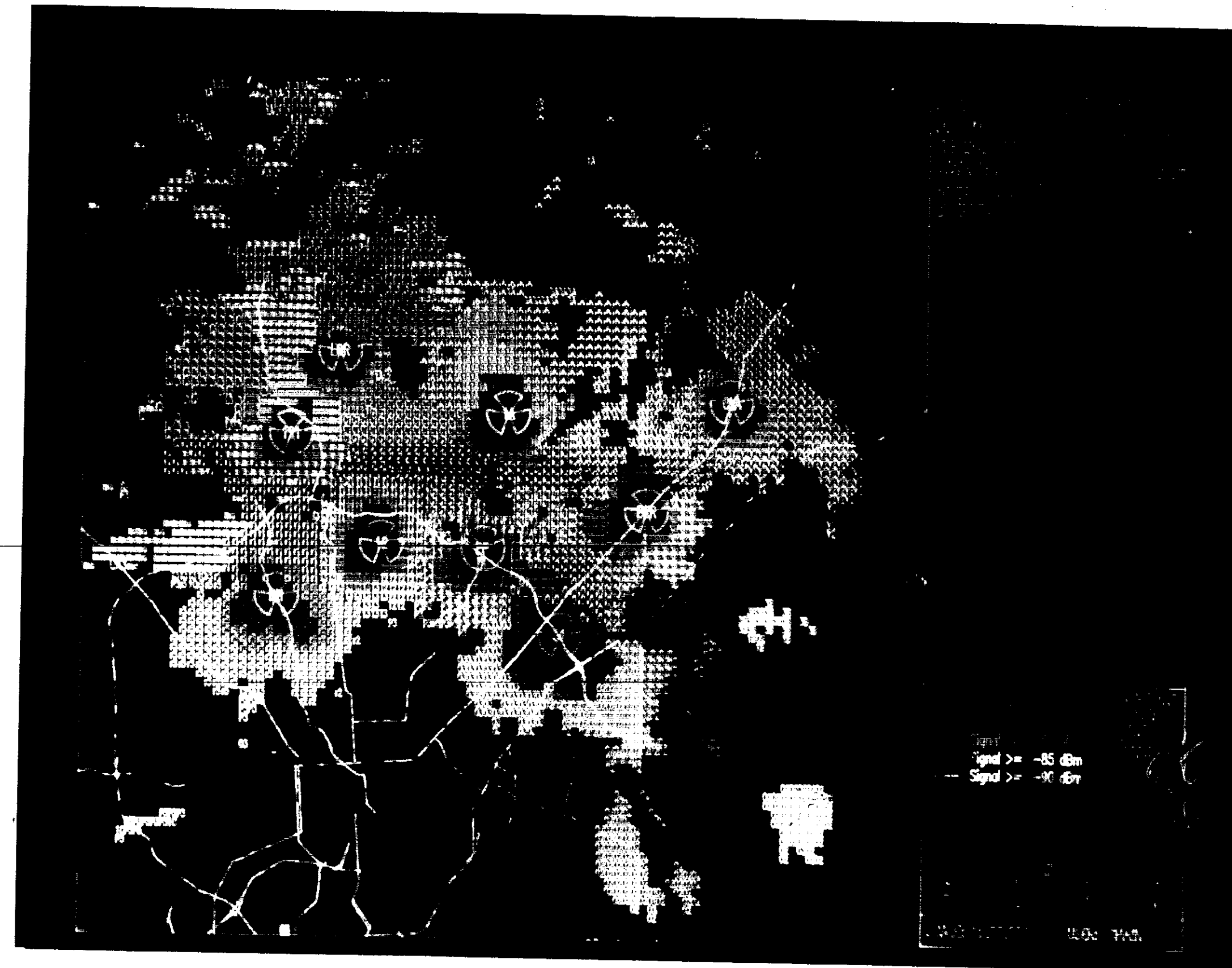
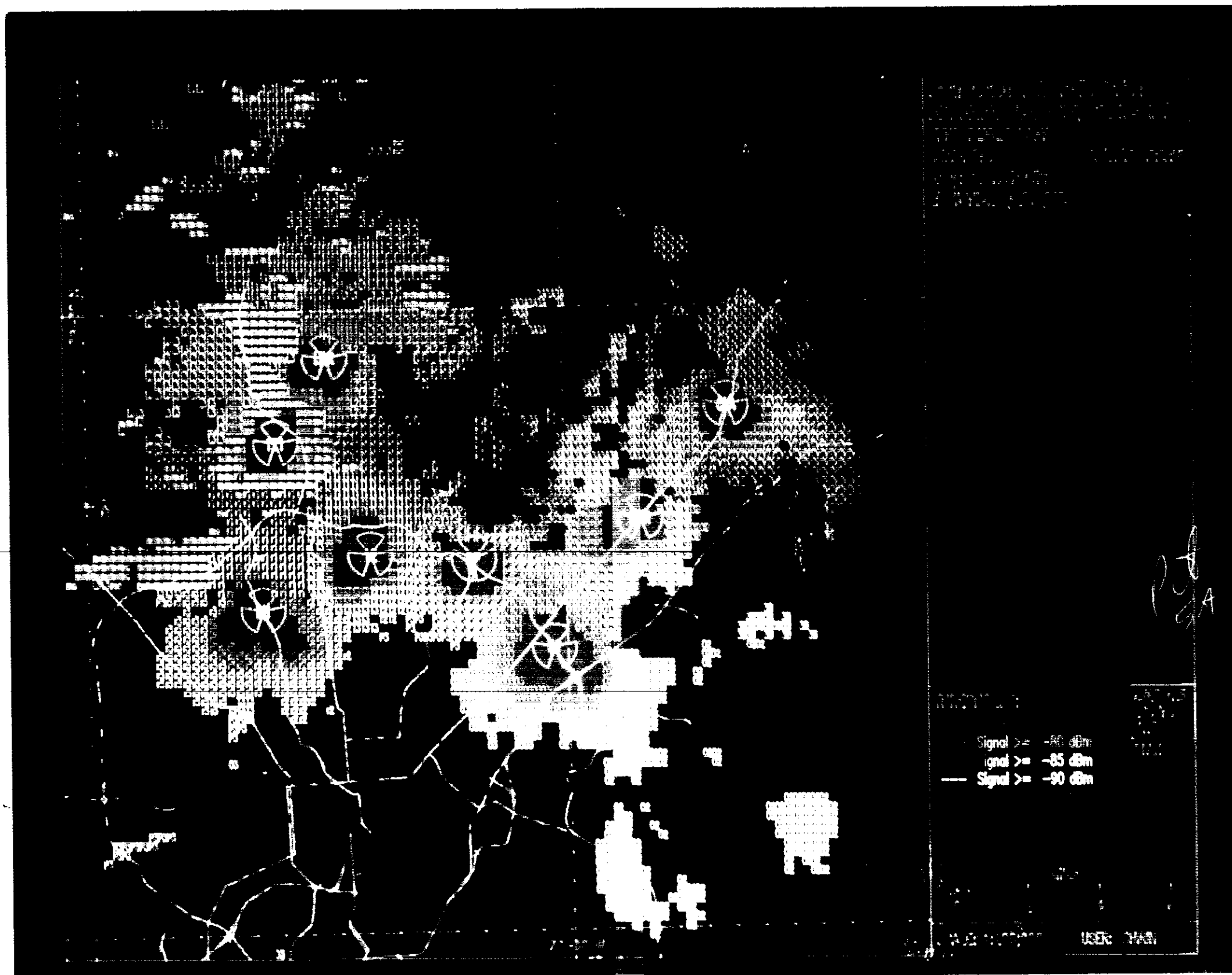
**PROJECT: PROPOSED 150' MONOPOLE TOWER AND
EQUIPMENT SHELTER**

LOCATION: LIBER 9614, FOLIO 240
12000 MANOR ROAD
GLEN ARM, BALTIMORE COUNTY,
MARYLAND

**PREPARED BY: GEORGE E. GAVRELIS, AICP
DAFT-McCUNE-WALKER, INC.
200 EAST PENNSYLVANIA AVENUE
TOWSON, MD 21286**

May 24, 1993

George E. Gavelis
George E. Gavelis, AICP

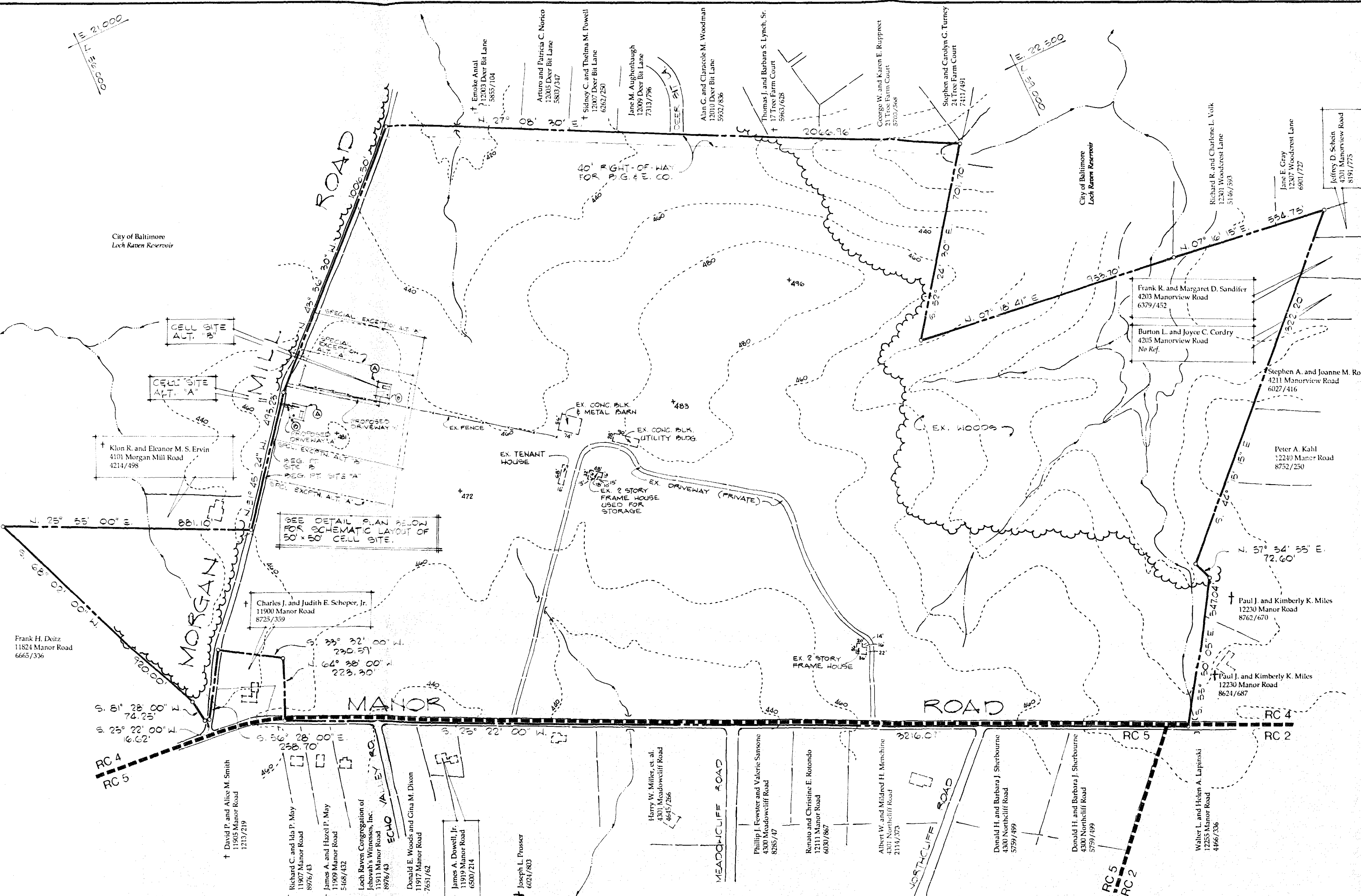


CELLULAR ONE

CELLULAR ONE®

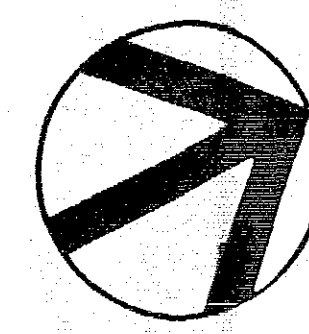
A Southwestern Bell Company

Box No 6



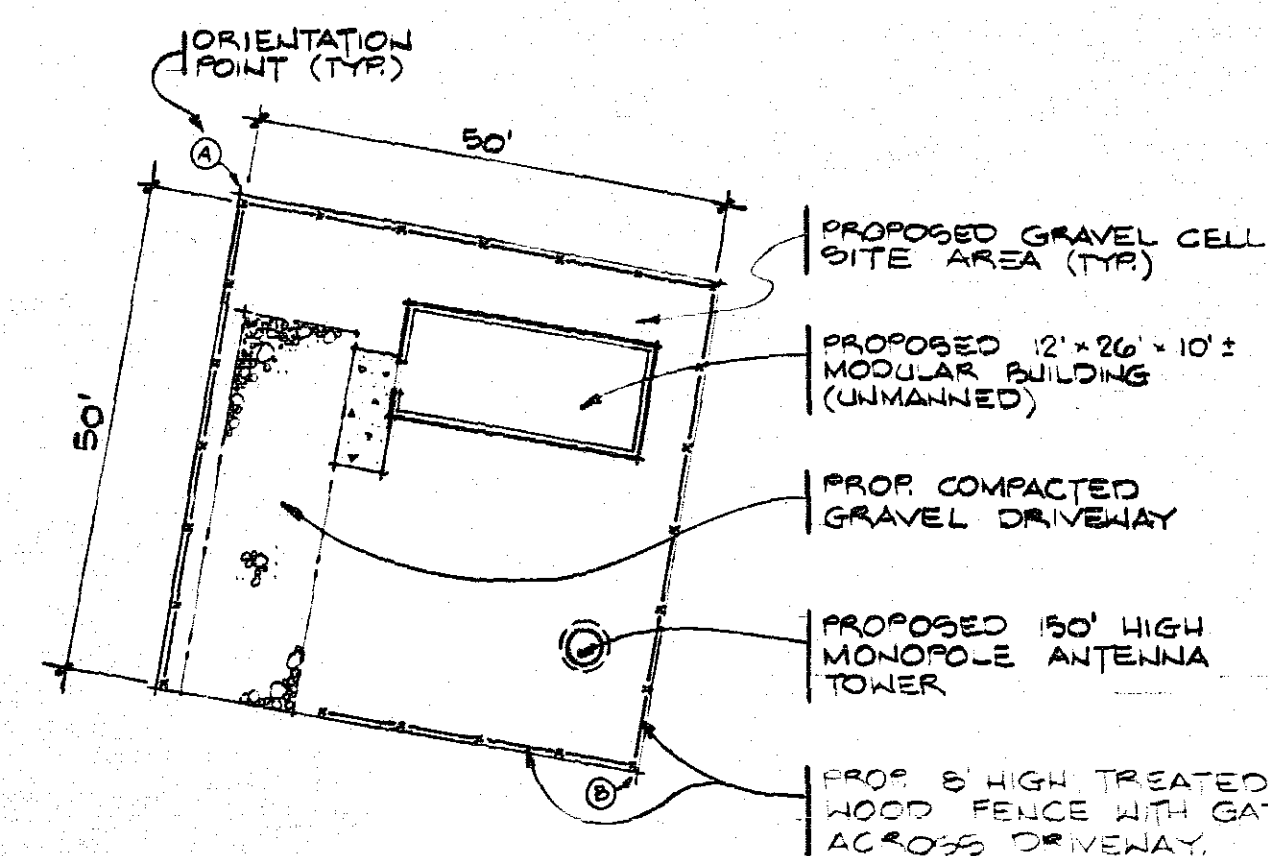
OVERALL SITE PLAN

SCALE: 1" = 200'



Setbacks	Required		Site "A"		Site "B"	
	RC4 Zone	BCZR 502.7C2	Tower	Building	Tower	Building
To overall tract						
Front	100'	300'	45'	65'	341'	318'
West side	50'	300'	855'	855'	940'	960'
East side	50'	300'	1063'	1040'	1165'	1133'
Rear	50'	300'	>2000'	>2000'	>2000'	>2000'
To 5 ac. Special Exception site						
Front	100'	300'	45'	65'	341'	318'
West side	50'	300'	230'	230'	230'	230'
East side	50'	300'	230'	207'	230'	199'
Rear	50'	300'	399'	367'	107'	107'

* 150' tower X 2 = 300'



DETAIL PLAN OF CELL SITE

SCALE: 1" = 20'

REQUESTED ZONING ACTIONS

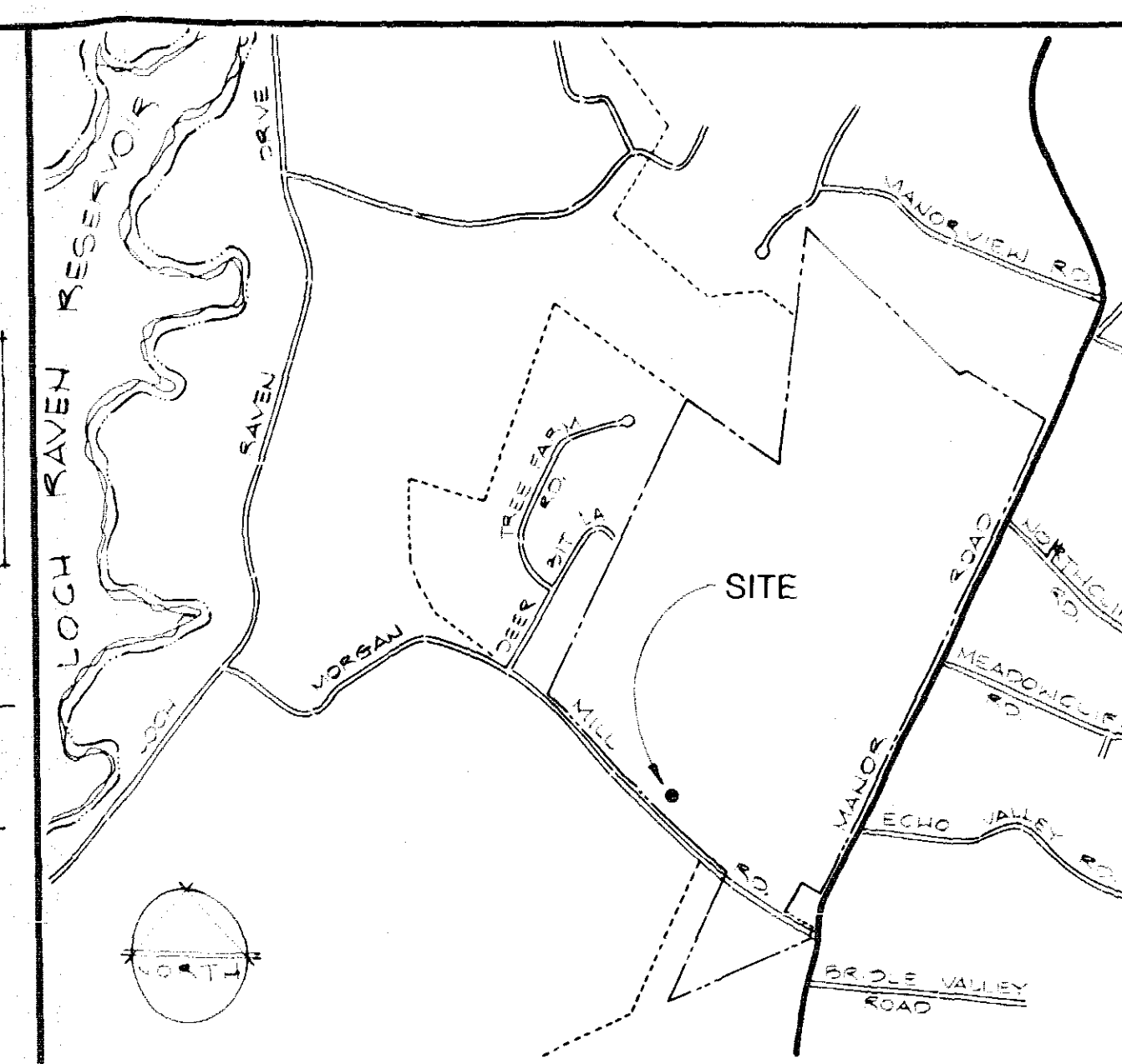
Alternate "A"

- Special Exception pursuant to B.C.Z.R. Section 1A03.3, B. 14 to permit a wireless transmitting and receiving structure in an RC4 zone.
- Special Hearing pursuant to B.C.Z.R. Section 102.2 to permit that portion of the special exception area not covered by actual transmitting and receiving facility improvements to be used for active agricultural purposes.
- Variance from B.C.Z.R. Section 1A03.4, B. 2 (as in Bill No. 113-92) to permit a wireless transmitting and receiving tower within 65 feet of the centerline of Morgan Mill Road in lieu of the required 100 feet.
- Variance from B.C.Z.R. Section 1A03.4, B. 2 (as in Bill No. 113-92) to permit a wireless transmitting and receiving tower within 65 feet of the centerline of Morgan Mill Road in lieu of the required 100 feet.
- Variance from B.C.Z.R. Section 502.7, C. 2 to permit a 150 foot high transmitting and receiving tower within 45 feet of the nearest special exception line to the south in lieu of the required 300 feet.
- Variance from B.C.Z.R. Section 502.7, C. 2 to permit a 150 foot high transmitting and receiving tower within 230 feet of the nearest special exception line to the east in lieu of the required 300 feet.
- Variance from B.C.Z.R. Section 502.7, C. 2 to permit a 150 foot high transmitting and receiving tower within 230 feet of the nearest special exception line to the west in lieu of the required 300 feet.

Alternate "B"

- Special Exception pursuant to B.C.Z.R. Section 1A03.3, B. 14 to permit a wireless transmitting and receiving structure in an RC4 zone.
- Special Hearing pursuant to B.C.Z.R. Section 102.2 to permit that portion of the special exception area not covered by actual transmitting and receiving facility improvements to be used for active agricultural purposes.
- Variance from B.C.Z.R. Section 502.7, C. 2 to permit a 150 foot high transmitting and receiving tower within 107 feet of the nearest special exception line to the north in lieu of the required 300 feet.
- Variance from B.C.Z.R. Section 502.7, C. 2 to permit a 150 foot high transmitting and receiving tower within 230 feet of the nearest special exception line to the east in lieu of the required 300 feet.
- Variance from B.C.Z.R. Section 502.7, C. 2 to permit a 150 foot high transmitting and receiving tower within 230 feet of the nearest special exception line to the west in lieu of the required 300 feet.

PETITIONER'S EXHIBIT NO 2

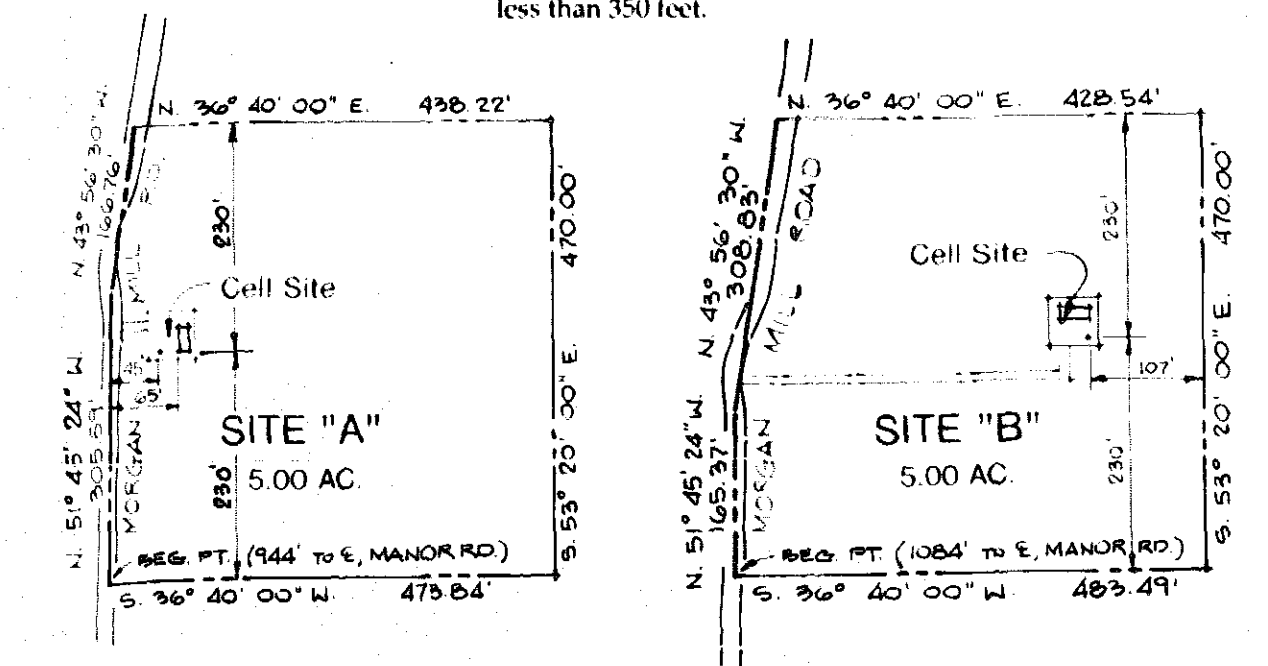


VICINITY MAP

SCALE: 1" = 1000'

NOTES:

- Current owner and street address:
Richard W. Smith, Trustee
12000 Manor Road
Clen Arm, MD 21057
- Contract lessee:
Southwest Bell Mobile Systems, Inc.
T/A Cellular One
7855 Walker Drive
Greenbelt, MD 20770
- Site area: 154.337 Ac.± Existing use: Agriculture
- Site data:
Tax map 53, block 14, parcel 226
Deed reference: 9614/240
Zoning: RC 4
Councilmanic District: 6
- The proposed wireless transmitting and receiving facility will consist of a 150' high monopole antenna with a 12' x 26' x 10' modular accessory building for radio and telephone equipment. No water or sanitary utilities are required for the facility.
- The information and boundary location shown hereon have been compiled from deeds and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
- The structure shall be enclosed within a locked, 8 feet high wood fence of treated material.
- A landscape plan, designed to minimize the visual impact of the accessory building and tower portion of the structure shall be submitted to and approved by Baltimore County.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- When the use is terminated, the structure shall be removed.
- Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the structure meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
- No white strobeoscopic lights are permitted or proposed.
- An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commissioner.
- There are no previous zoning hearings applicable to this site.
- There are no signs proposed for this facility.
- Floor area ratio: N/A
- Amenity open space: N/A
- Surrounding landowners who have signed a petition in support of the proposed cellular phone tower are indicated on the plan thusly:
- The Long Green Valley National Register Historic District is within 1.5 miles of the subject site, but B.C.Z.R. Section 502.7, A does not apply because the total height of the proposed facility is less than 350 feet.



SPECIAL EXCEPTION SITE OUTLINES

SCALE: 1" = 200'

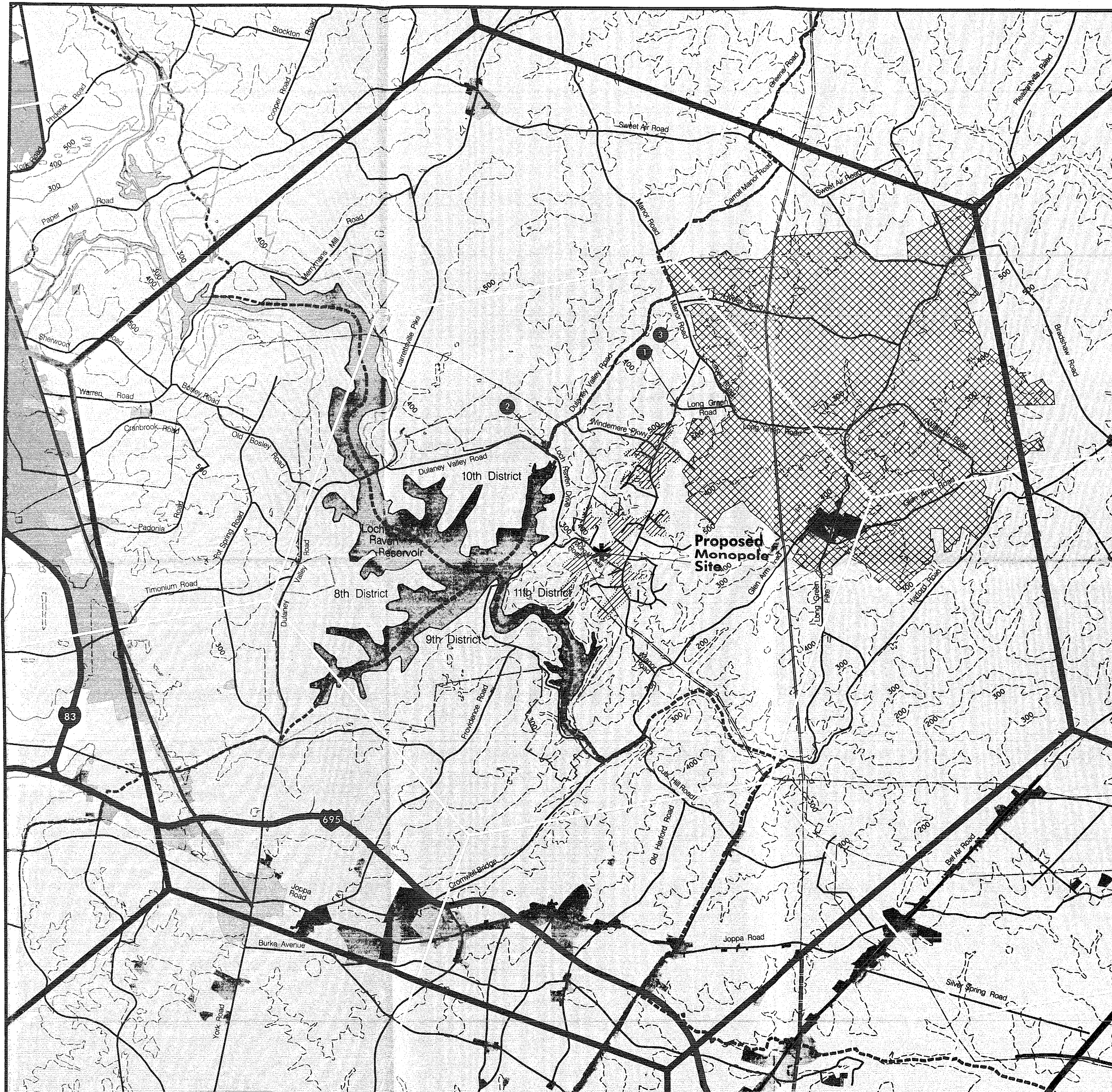
DMW
Duff McCallister, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals
200 E. Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax: 296-4705

CELLULAR ONE
A Southwestern Bell Company
Plan to Accompany Petition for Special Exception, Special Hearing & Variances
Meadowcliff (Morgan Mill Rd.) Site
11th Election District, Baltimore County, Maryland

No.	Description	Date
REVISIONS		
Proj. No.	93004	
Date	22-FEB-93	
Scale	As noted	
Last Rev.		

Michael P. [Signature]

Sheet:
1 of 1



CELLULAR ONE®

A Southwestern Bell Company

Proposed Monopole Location Map Meadowcliff Site

Legend

Zoning Classifications

- Residential/Resource Conservation
- BL, BM, BR
- O1, O2, OT, ROA, RO
- ML, MH, MR, MLR

Site Data

- Search Area
- Primary Level Grid Cell
- Second Level Grid Cell
- Proposed Monopole Site

Other County Data

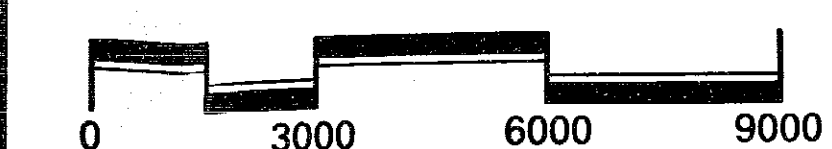
- Major Roads
- Election District
- Water
- Major Contours
- Long Green Valley National Register Historic District
- Reservation Boundary
- High Power Lines

Search Area Site Candidates

- ① Commercial Area
G.E. 500'
- ② Peeres Plantation Restaurant
G.E. 270'
- ③ BG&E Tower
G.E. 500'

**PETITIONER'S
EXHIBIT No. 4**

Scale in Feet



DMW

Daft · McCune · Walker, Inc.

Land Planning · Landscape Architecture · Engineering
Applied Environmental & Computer Sciences

